

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

GILBERT ELIZONDO,

*Plaintiff,*

v.

KEPPEL AMFELS, L.L.C.

*Defendant.*

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CIV. ACTION NO. 1:14-cv-00220

**ORDER**

Before this Court is Plaintiff's Motion for Reconsideration (Doc. No. 30). After considering the merits of the motion, the Court hereby denies Plaintiff's Motion for Reconsideration.

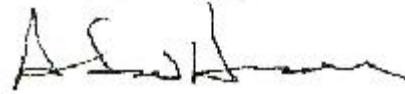
Plaintiff bases its motion for reconsideration on the fact that the Court's scheduling order of September 14, 2015 (Doc. No. 27) changed the parties' deadlines for filing dispositive motions and responses to dispositive motions from those set out in the scheduling order of February 3, 2015 (Doc. No. 11). Specifically, the second order changed the deadline for filing dispositive motions from July 31, 2015 with responses due by August 31, 2015 to February 5, 2016 with responses due by March 4, 2016.

Nothing, however, relieved the Plaintiff of the duty to respond under the Federal Rules of Civil Procedure and the Local Rules of the Southern District of Texas, which require a party to respond to a dispositive motion within 21 days of being served with it. Clearly, a party can serve a dispositive motion before the date specified as the deadline in the scheduling order has arrived. When that happens, the opposing party must file a response to that motion within 21 days and cannot wait until the deadline for filing responses set forth in the scheduling order. *See* LR 7.3-

7.4. Here, Defendant filed its Motion for Summary Judgment (Doc. No. 19) on July 31, 2015.

Even as of today Plaintiff has still not filed a response. Accordingly, the Plaintiff's Motion for Reconsideration (Doc. No. 30) is hereby denied.

Signed this 13th day of October, 2015.

A handwritten signature in black ink, appearing to read 'A. S. Hanen', written over a horizontal line.

Andrew S. Hanen  
United States District Judge